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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

STORK, KYLE R

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,998

Applicant(s)

O'ROURKE ET AL.

Examiner

Kyle R. Stork

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RD

DETAILED ACTION

1. This final office action is in response to the remarks filed 25 April 2005.
2. Claims 25-49 are pending. Claims 25, 37, and 49 are independent claims.

Claim Objections

3. Claim 29 objected to because of the following informalities: On line 7 of the claim "extended markup language" should be "extensible markup language". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 25-49 remain rejected under 35 U.S.C. 102(a) as being anticipated by Ladd, Eric, et al. Using HTML 4, XML, and Java 1.2. 1999, Que. Platinum Edition, hereinafter Ladd.

Regarding independent claim 25, Ladd discloses a method for generating web pages (ASP, on pages 850-851, is a method for generating web pages), comprising: storing a preconstructed web page (a preconstructed web page is presented on page 851); storing, separate from said preconstructed web page, correlation data that specifies a correlation between an identifier and replacement content (the code for ASP, which performs this function, is inherently stored separately from the web

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page); receiving a request for a requested web page that corresponds to said preconstructed web page; (this is inherent to normal web browsing, and preconstructed web page is presented on page 851, which would normally be delivered); in response to said request, retrieving said preconstructed web page, wherein: said preconstructed web page was created prior to receiving said request (this is inherent to the definition of preconstructed), said preconstructed web page is written in a tag-delimited page description language (it is written in ASP and HTML), and said preconstructed web page includes said identifier that is located at a position between a pair of tags within said preconstructed web page (the ASP identifiers are placed between HTML tags); in response to said request, modifying said preconstructed web page to produce said requested web page by causing a program to perform the steps of: removing said identifier from said preconstructed web page (ASP performs this substitution), and inserting said replacement content at said position in said preconstructed web page, where said replacement content is selected based on the correlation data (ASP performs this substitution); and providing said requested web page in response to said request (ASP provides the web page to the browser).

Regarding dependent claim 26, Ladd discloses the method as recited in Claim 25, wherein removing said identifier and inserting said replacement content further includes substituting replacement text for said identifier in said preconstructed web page (ASP performs this substitution, as per 850-851).

Regarding dependent claim 27, Ladd discloses the method as recited in Claim 25, wherein: said identifier is a first identifier and said position is a first position; said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page (page 852 shows multiple identifiers in between multiple tags; and said preconstructed web page includes first code that corresponds to a first display region that includes said first identifier and second code that corresponds to a second display region that includes said second identifier (the ASP script on page 852 corresponds the identifiers with multiple result web pages); and modifying said preconstructed web page to produce said requested web page further comprises causing said program to arrange said first code that corresponds to said first display region and said second code that corresponds to said second display region in said requested web page based on an ordering of said first position and said second position in said preconstructed web page (the ordering of the identifiers in the ASP script determines which will be displayed on page 852).

Regarding dependent claim 28, Ladd discloses the method as recited in Claim 25, wherein: said program is a first program, said identifier is a first identifier, and said position is a first position (these elements are present in the ASP-script page on page 852); said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page (there is a second identifier on page 852; first being User_ID and second being nba_Online); and said preconstructed web page includes first code that corresponds

to a first display region that includes said first identifier and second code that corresponds to a second display region that includes said second identifier (there is conditional code on page 852 dealing with different identifiers); modifying said preconstructed web page to produce said requested web page further comprises causing said program to arrange said first code that corresponds to said first display region and said second code that corresponds to said second display region in said requested web page based on an ordering specified by a second program (the ordering of the identifiers in the ASP script determines which will be displayed on page 852).

Regarding dependent claim 29, Ladd discloses the method as recited in Claim 25, wherein: said identifier is a marker; said position is a relative position; said preconstructed web page is a template; said replacement content is dynamic content; and said tag-delimited page description language is selected from the group consisted of hypertext markup language (HTML) and extensible markup language (XML) (These limitations are all inherent to the nature of ASP and the specific scripts as presented on pages 850-852).

Regarding dependent claim 30, Ladd discloses the method as recited in Claim 25 further comprising: parsing said preconstructed web page to generate a hierarchical representation of said preconstructed web page, wherein said hierarchical representation is based on a structure of said preconstructed web page; and based on said hierarchical representation, processing said preconstructed web page to locate said identifier. However, HTML and ASP pages are inherently processed this

way by standard browsers, and hence, the limitations of this claim are met by the ASP pages presented by Ladd on pages 850-852.

Regarding dependent claim 31, Ladd discloses the method as recited in Claim 25, wherein: said preconstructed web page defines a plurality of display regions; and code that corresponds to one display region of said plurality of display regions includes said identifier (The code on page 852 of Ladd defines how web pages' display are correlated to ASP identifiers).

Regarding dependent claim 33, Ladd discloses the method as recited in Claim 25, wherein: said program is a hypertext template engine; and a controller program performs the step of modifying said preconstructed web page to produce said requested web page by causing said hypertext template engine to perform the steps of removing and inserting.

Regarding dependent claim 34, Ladd discloses the method of Claim 33, wherein said controller program modifying said preconstructed web page to produce said requested web page by causing said hypertext template engine to perform the steps of removing and inserting further comprises: said controller program making a substitution call to said hypertext template engine, wherein said substitution call specifies said identifier and said replacement content.

Regarding dependent claim 35, Ladd discloses the method as recited in Claim 25, wherein: said identifier is a first identifier, said position is a first position, and said replacement content is first replacement content, said preconstructed web page includes a second identifier that is located at a second position between another pair

of tags within said preconstructed web page; and modifying said preconstructed web page to produce said requested web page further comprises causing said program to substitute second replacement content for said second identifier in said preconstructed web page.

Regarding dependent claim 36, Ladd discloses the method as recited in Claim 25, wherein: said identifier is a first occurrence of said identifier; said position is a first position, said preconstructed web page includes a second occurrence of said identifier that is located at a second position between another pair of tags within said preconstructed web page; and modifying said preconstructed web page to produce said requested web page further comprises causing said program to perform the steps of: removing said second occurrence of said identifier from said preconstructed web page, and inserting said replacement content at said second position in said preconstructed web page.

Regarding independent claim 37, it is a computer-readable medium with encoded instructions for carrying out the method of claim 25, and it is rejected under similar rationale.

Regarding dependent claim 38, it is a computer-readable medium with encoded instructions for carrying out the method of claim 26, and it is rejected under similar rationale.

Regarding dependent claim 39, it is a computer-readable medium with encoded instructions for carrying out the method of claim 27, and it is rejected under similar rationale.

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Regarding dependent claim 40, it is a computer-readable medium with encoded instructions for carrying out the method of claim 28, and it is rejected under similar rationale.

Regarding dependent claim 41, it is a computer-readable medium with encoded instructions for carrying out the method of claim 29, and it is rejected under similar rationale.

Regarding dependent claim 42, it is a computer-readable medium with encoded instructions for carrying out the method of claim 30, and it is rejected under similar rationale.

Regarding dependent claim 43, it is a computer-readable medium with encoded instructions for carrying out the method of claim 31, and it is rejected under similar rationale.

Regarding dependent claim 45, it is a computer-readable medium with encoded instructions for carrying out the method of claim 33, and it is rejected under similar rationale.

Regarding dependent claim 46, it is a computer-readable medium with encoded instructions for carrying out the method of claim 34, and it is rejected under similar rationale.

Regarding dependent claim 47, it is a computer-readable medium with encoded instructions for carrying out the method of claim 35, and it is rejected under similar rationale.

Regarding dependent claim 48, it is a computer-readable medium with encoded instructions for carrying out the method of claim 36, and it is rejected under similar rationale.

Regarding dependent claim 49, it is a computer-readable medium with encoded instructions for carrying out the method of claim 24, and it is rejected under similar rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Regarding dependent claim 32, Ladd discloses the method as recited in Claim 31, wherein: said identifier is a first identifier, said position is a first position, and said code that corresponds to one display region is first code that corresponds to a first display region (User_ID takes this role on page 852); said preconstructed web page includes said first code that corresponds to said first display region that includes said first identifier (User_ID is used for validation, and invalid User_ID values lead to an error screen); said preconstructed web page includes third code that corresponds to a third display region that includes no identifiers (the references to invalid.htm); the method further comprises: including said first code that corresponds to said first display region in said requested web page because said replacement content

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replaces said first identifier; and including said third code that corresponds to said third display region in said requested web page because said third code includes no identifiers (there are redirects to the invalid.html on 852 because identifiers are not chosen for redirects). However, Ladd fails to disclose that said preconstructed web page includes second code that corresponds to a second display region that includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page; and not including said second code that corresponds to said second display region in said requested web page because no replacement content replaces said second identifier. However, it was notoriously well known in the art at the time of the invention that identifiers may be left out of templates and that they will not be replaced by anything because this is the intuitive, simplest thing to do. It would have been obvious to one of ordinary skill in the art at the time of the invention to leave an identifier out of the template because this is the intuitive, simplest thing.

Regarding dependent claim 44, it is a computer-readable medium with encoded instructions for carrying out the method of claim 32, and it is rejected under similar rationale.

Response to Arguments

6. Applicant's arguments filed 25 April 2005 have been fully considered but they are not persuasive.

The applicant argues that Ladd fails to disclose, "storing, separate from said preconstructed web page, correlation data that specifies a correlation between an identifier and replacement content, (page 6, paragraph 2, lines 3-5)." However, the examiner respectfully disagrees. The HTML file is capable of accessing server-side scripts (page 851). These server-side scripts are embedded inside the HTML file, but reside in a location independent of the HTML file. This is apparent when examining the file extensions. The HTML file has an extension of .htm or .html, while the server-side script has a .asp extension (page 851). Ladd further discloses the ability to cache, or preconstruct, the web page to facilitate faster loading of a page (page 850, NOTE).

The applicant further argues that, "assuming, *arguendo*, that Ladd does teach storing data analogous to correlation data, to the extent that the approach of Ladd contains anything remotely analogous to "correlation data that specifies a correlation between an identifier and replacement content" as claimed in Claim 25, it must be the script, embedded within the web page, either in its entirety or a portion thereof, (page 7, final paragraph, lines 1-5)." However, the examiner respectfully disagrees. As disclosed above, Ladd discloses two separate files, an HTML file with an extension of .htm or .html, and a server-side script with an extension of .asp (page 851). Further, the server-side script does not need to be embedded within the HTML file as the applicant alleges (page 852, Listing 33.4).

Finally, the applicant argues that Ladd fails to teach, disclose, or suggest "the element of "inserting said replacement content at said position in said preconstructed web page, wherein said replacement content is selected based on the correlation data

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(page 9, second paragraph, lines 1-3)." The examiner respectfully disagrees. Ladd discloses the ability of the server-side script to be interpreted and thus, the content to be inserted when requested by a browser (page 850, NOTE). This content will then be replace the old server-side script content in a corresponding position.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

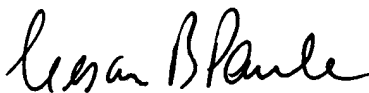
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle Stork
Patent Examiner
Art Unit 2178

krS


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PRIMARY EXAMINER